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EXAMINER

FOLAYAN, TEMITAYO

ART UNIT

PAPER NUMBER

2625

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DELIVERY MODE

04/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,877	Applicant(s) OHARA, KIYOTAKA	
	Examiner TEMITAYO FOLAYAN	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/27/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 13, 15 & 17 are objected to under 37 CFR 1.75(c), because of the following informalities:

Regarding claim 13, it is objected to because of the following informality:

In line 3 reads “lest”. The examiner suggests “lest” be changed to “least”. In line 5 reads “filed”, however, in line 4 discloses “field”. The examiner suggests, “filed” be changed to “field”. Appropriate correction is required.

Regarding claim 15, it is objected to because of the following informality:

In line 3 reads “lest”. The examiner suggests “lest” be changed to “least”. In line 5 reads “filed”, however, in line 4 discloses “field”. The examiner suggests, “filed” be changed to “field”. Appropriate correction is required.

Regarding claim 17, it is objected to because of the following informality:

In line 3 reads “lest”. The examiner suggests “lest” be changed to “least”. In line 5 reads “filed”, however, in line 4 discloses “field”. The examiner suggests, “filed” be changed to “field”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Olbricht (United States Patent 6,429,952 B1), hereinafter referenced as Olbricht.

Regarding claim 1, Olbricht discloses a system for interfacing a browser and a scanner. In addition, Olbricht discloses an “An image reading device having an interface to communicate with devices on a network” as disclosed at column 1, lines 55-56; “a data transferring system” as disclosed at column 3, lines 1-5; “a terminal device” as disclosed at column 2, lines 53-54; “the network according to a certain data transferring protocol” as disclosed at column 3, line 1-3; “a reading system that reads an original and generates image data of the original” as disclosed at column 2, lines 56-57; “a pathname designated according to the certain data transferring protocol” as disclosed at column 2, lines 54-57; “the pathname being transmitted from the terminal device and being received by said data transferring system”, as disclosed at column 2, lines 54-57.

Regarding claim 2, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein said reading system transmits the image data to the terminal device via said data transferring system, as disclosed in column 2, lines 54 – 57.

Regarding claim 3, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein said reading system reads the original if the pathname contains a request for image data, as disclosed in column 2, lines 48 – 51.

Regarding claim 4, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein said reading system transmits information concerning a form of the pathname if the pathname contains a request for the form of the pathname as disclosed in column 3, lines 25 – 27.

Regarding claims 5 & 6, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein said reading system transmits error information to the terminal device if the pathname transmitted from the terminal device is incorrect as disclosed in column 4, lines 11 – 12.

Regarding claim 7, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein the information contained in the pathname includes at least one parameter concerning the reading of the original, wherein said reading system reads the original according to the at least one parameter contained in the pathname, as disclosed in column 5, lines 1- 5.

Regarding claim 8, Olbricht discloses everything claimed as applied above (see claim 7), in addition Olbricht discloses wherein the at least one parameter includes at least one of a resolution, a number of sheets of originals to be read, designation of color, and an image file format, as disclosed in column 3, lines 6 – 18.

Regarding claim 9, Olbricht discloses everything claimed as applied above (see claim 8), in addition Olbricht discloses wherein the number of sheets of originals to be read can be designated as an indication for reading all of originals provided in said image reading device, as disclosed in column 3, lines 6 – 18.

Regarding claim 10, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein said reading system reads the original using default parameters concerning the reading of the original, as disclosed in column 3, lines 6-9.

Regarding claim 11, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein said reading system stops the reading if the pathname received by said data transferring system contains a request for cancellation of reading, as disclosed in column 2, lines 3-4.

Regarding claim 12, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein the certain data transferring protocol is a HTTP, wherein the pathname is an absolute path designated according to the HTTP as disclosed in column 2, lines 48 – 51.

Regarding claim 13, Olbricht discloses everything claimed as applied above (see claim 12), in addition Olbricht discloses wherein the absolute path designated according to HTTP includes at least one of a device name field, a request field for designating a type of a request, a resolution field, a field for designating a color of read image, a field of a number of sheets of originals to be scanned, and a filename field as disclosed in column 3, lines 6 – 18.

Regarding claim 18, Olbricht discloses everything claimed as applied above (see claim 1), in addition Olbricht discloses wherein the pathname includes a plurality of fields, wherein positions of the plurality of fields in the pathname correspond to a plurality of predetermined scan parameters as disclosed in column 3, line 66 through column 4, line 5.

Regarding claim 19, Olbricht discloses a device for interfacing a network according to an HTTP and a scanner. In addition, Olbricht discloses an “An image reading device having an interface to communicate with devices on a network” as

disclosed at column 1, lines 55-56; “a data transferring system that communicates with a terminal device on the network according to a HTTP” as disclosed at column 3, lines 1-5; “a reading system that reads an original and generates image data of the original based on parameters concerning reading of the original contained in an absolute path designated according to the HTTP” as disclosed at column 2, lines 56-57; “that transmits the image data to the terminal device via the data transferring system, the absolute path being transmitted from the terminal device and being received by said data transferring system.” as disclosed in column 2, lines 57 – 60.

Regarding claim 20, Olbricht discloses a system for interfacing a browser and a scanner. In addition, Olbricht discloses an “An image reading system including a terminal device and an image scanning device which are connected to a network” as disclosed at column 2, lines 53-57; “terminal device comprising: a path name designating system that transmits a path name designated according to a certain data transferring protocol to said image scanning device” as disclosed at column 4, lines 23-29; “image reading device comprising: a data transferring system that communicates with the terminal device on the network according to the certain data transferring protocol” as disclosed at column 3, lines 1-3; “a reading system that reads an original and generates image data of the original based on information contained in the path name received by said data transferring system”, as disclosed at column 2, lines 56-57.

Regarding claim 21, Olbricht discloses everything claimed as applied above (see claim 20), in addition Olbricht discloses wherein said reading system transmits the

image data scanned to the terminal device via said data transferring system, as disclosed in column 2, lines 61 – 63.

Regarding claim 22, Olbricht discloses everything claimed as applied above (see claim 20), in addition Olbricht discloses wherein the certain data transferring protocol is a HTTP, wherein the pathname is an absolute path designated according to the HTTP, as disclosed in column 2, lines 54 – 57.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14,15 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht, in view of Baum et al. (United States Patent Application Publication No: 2005/0264832 A1), hereinafter referenced as Baum.

Regarding claim 14, Olbricht discloses everything as disclosed above (see claim 1). However Olbricht fails to disclose using FTP as the transfer protocol in place of the HTTP. However, the examiner maintains that it is well known in the art to use FTP as the transfer protocol in place of the HTTP, as taught by Baum.

In a similar field of endeavor Baum discloses using FTP as the transfer protocol, in place of the HTTP. In addition, Baum discloses, “Wherein the certain data transferring protocol is a FTP, wherein the pathname is a source pathname designated according to the FTP” as disclosed at paragraph [0095], lines 10-12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a FTP in place of an HTTP, as taught by Baum, for the purpose of transmitting the digital image files to the photo-finisher's host computer.

Regarding claim 15, Olbricht discloses everything as disclosed above (see claim 13). However Olbricht fails to disclose using FTP as the transfer protocol in place of the HTTP. However, the examiner maintains that it is well known in the art to use FTP as the transfer protocol in place of the HTTP, as taught by Baum.

In a similar field of endeavor Baum discloses using FTP as the transfer protocol, in place of the HTTP. In addition, Baum discloses, "wherein the source pathname designated according to the FTP includes at least one of a device name field, a request field for designating a type of a request, a resolution field, a field for designating a color of read image, a field of a number of sheets of originals to be read, and a filename field" as disclosed at paragraph [0095], lines 10-12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a FTP in place of an HTTP, as taught by Baum, for the purpose of transmitting the digital image files to the photo-finisher's host computer.

Regarding claim 23, Olbricht discloses everything as disclosed above (see claim 20). However Olbricht fails to disclose using FTP as the transfer protocol in place of the HTTP. However, the examiner maintains that it is well known in the art to use FTP as the transfer protocol in place of the HTTP, as taught by Baum.

In a similar field of endeavor Baum discloses using FTP as the transfer protocol, in place of the HTTP. In addition, Baum discloses, "Wherein the certain data transferring protocol is a FTP, wherein the pathname is a source pathname designated according to the FTP" as disclosed at paragraph [0095], lines 10-12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a FTP in place of an HTTP, as taught by Baum, for the purpose of transmitting the digital image files to the photo-finisher's host computer.

5. Claims 16, 17 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht, in view of Sandstrom et al. (United States 6,334,148 B1), hereinafter referenced as Sandstrom.

Regarding claim 16, Olbricht discloses everything as disclosed above (see claim 1). However Olbricht fails to disclose using NetBIOS as the transfer protocol in place of the HTTP/FTP. However, the examiner maintains that it is well known in the art to use NetBIOS as the transfer protocol in place of the HTTP/FTP, as taught by Sandstrom.

In a similar field of endeavor Sandstrom discloses using NetBIOS as the transfer protocol, in place of the HTTP/FTP. In addition, Sandstrom discloses, "Wherein the certain data transferring protocol is a NetBIOS, wherein the pathname is a source pathname designated according to the NetBIOS" as disclosed at column 6, lines 6-10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a

NetBIOS protocol in place of an FTP, as taught by Sandstrom, for the purpose of transmitting data between clients and servers in an MS-DOS environment.

Regarding claim 17, Olbricht discloses everything as disclosed above (see claim 13). However Olbricht fails to disclose using NetBIOS as the transfer protocol in place of the HTTP/FTP. However, the examiner maintains that it is well known in the art to use NetBIOS as the transfer protocol in place of the HTTP, as taught by Sandstrom.

In a similar field of endeavor Sandstrom discloses using NetBIOS as the transfer protocol, in place of the HTTP/FTP. In addition, Sandstrom discloses, "wherein the source pathname designated according to the NetBIOS includes at least one of a device name field, a request field for designating a type of a request, a resolution field, a field for designating a color of read image, a field of a number of sheets of originals to be read, and a filename field" as disclosed at column 6, lines 6-10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a NetBIOS protocol in place of an FTP, as taught by Sandstrom, for the purpose of transmitting data between clients and servers in an MS-DOS environment.

Regarding claim 24, Olbricht discloses everything as disclosed above (see claim 20). However Olbricht fails to disclose using NetBIOS as the transfer protocol in place of the HTTP/FTP. However, the examiner maintains that it is well known in the art to use NetBIOS as the transfer protocol in place of the HTTP/FTP, as taught by Sandstrom.

In a similar field of endeavor Sandstrom discloses using NetBIOS as the transfer protocol, in place of the HTTP/FTP. In addition, Baum discloses, "Wherein the certain

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data transferring protocol is a NetBIOS, wherein the pathname is a source pathname designated according to the NetBIOS” as disclosed at column 6, lines 6-10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a NetBIOS protocol in place of an FTP, as taught by Sandstrom, for the purpose of transmitting data between clients and servers in an MS-DOS environment.

6. Claims 25 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht, in view of Murata (United States Patent 6,958,832 B1), hereinafter referenced as Murata.

Regarding claim 25, Olbricht discloses everything as disclosed above (see claim 1). In addition Olbricht discloses a system for interfacing a browser and a scanner. In addition, Olbricht discloses “receiving a pathname designated according to a certain data transferring protocol from an external device on a network” as disclosed at column 3, lines 1-3; “reading an original and generates image data of the original based on information contained in the received pathname”, as disclosed at column 2, lines 56-57. However, Olbricht fails to disclose a computer program that can operate the scanning functions of the system. However, the examiner maintains that it is well known in the art for a computer program that can operate the scanning functions of the system, as taught by Murata.

In a similar field of endeavor Murata discloses a computer program that can operate the scanning functions of the system. In addition, “A computer program to be

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executed by a computer to achieve a method of reading images” as disclosed at column 7, lines 48-54.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a computer program that can operate the scanning functions of the system, as taught by Murata, for the purpose of operating devices to realize the functions of the foregoing embodiments.

Regarding claim 26, Olbricht discloses everything as applied above (see claim 25). However, Olbricht fails to disclose a method for transmitting the data to the computer device, as taught by Murata.

In a similar field of endeavor Murata discloses a method for transmitting the data to the computer device, as taught by Murata. In addition, the method further comprising the step of transmitting the generated image data to the terminal device, as disclosed at column 7, lines 50 –54.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olbricht by specifically providing a computer program that can operate the scanning functions of the system, as taught by Murata, for the purpose of operating devices to realize the functions of the foregoing embodiments.

Response to Amendment

This office action is responsive to applicant's remarks received on December 27, 2007. Claims 1-26 remain pending.

Response to Arguments

Applicant's arguments with respect to claims 1-14 and 18-22 have been considered but they are not persuasive.

Applicant's Remarks

Claim 1 has been amended to recite "wherein the information contained in the pathname includes first information representing a file format of a plurality of file formats in which the image data is to be generated and second information representing a number of sheets of the original to be read, wherein the number of sheets of the original to be read can be set for each of the plurality of file formats." Independent claims 19, 20 and 25 have been amended to recite similar features. Olbricht fails to teach or suggest at least the above-recited feature of claim 1 and the similar features of the other independent claims.

Examiner's Response

Regarding claim 1, Olbricht discloses a system for interfacing a browser and a scanner. In addition, Olbricht discloses an "An image reading device having an interface to communicate with devices on a network" as disclosed at column 1, lines 55-56; "a

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data transferring system” as disclosed at column 3, lines 1-5; “a terminal device” as disclosed at column 2, lines 53-54; “the network according to a certain data transferring protocol” as disclosed at column 3, line 1-3; “a reading system that reads an original and generates image data of the original” as disclosed at column 2, lines 56-57; “a pathname designated according to the certain data transferring protocol” as disclosed at column 2, lines 54-57; “the pathname being transmitted from the terminal device and being received by said data transferring system”, as disclosed at column 2, lines 54-57.

"wherein the information contained in the pathname includes first information representing a file format of a plurality of file formats in which the image data is to be generated and second information representing a number of sheets of the original to be read, wherein the number of sheets of the original to be read can be set for each of the plurality of file formats." As disclosed at column 3 lines 25-31. "In the method of the invention, the user enters the internet protocol (IP) address, or URL (uniform resource locator), of the scanner into the web browser. The browser retrieves an HTML-format page from the scanner. The page is displayed to the user with a set of configuration parameters, which may include a "Preview" of the image. The user selects the desired parameters and clicks the "Scan" button".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITAYO FOLAYAN whose telephone number is (571)270-3574. The examiner can normally be reached on Monday - Thursday 8:30am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

TF,
March 25, 2008